

**BOROUGH OF WESTWOOD
NOTICE**

NOTICE IS HEREBY GIVEN that the following Ordinance was introduced and passed on first reading on regular meeting of the Mayor and Council on the 19th day of February, 2019, and that said Ordinance will be taken up for further consideration for final passage at a regular meeting of the Mayor and Council to be held on the 5th day of March, 2019 at 8:00 p.m. or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning same.

Karen Hughes, Borough Clerk
Borough of Westwood

ORDINANCE # 19-2

**AN ORDINANCE TO AMEND CHAPTER 195 ARTICLE XVI OF THE WESTWOOD
BOROUGH CODE, ENTITLED “LAND USE AND DEVELOPMENT – ZONE
DISTRICTS AND PERMITTED USES” AND THE STANDARDS ASSOCIATED WITH
THE ZONE IN THE BOROUGH OF WESTWOOD**

WHEREAS, the Governing Body of the Borough of Westwood seeks to create a realistic opportunity for the development of affordable housing;

WHEREAS, in furtherance of this goal, the Borough adopted ordinances 18-40, 18-41 and 18-42 to create the Limited Business – Residential Multifamily Affordable Housing Overlay Zone, the Retail / Wholesale – Residential Multifamily Affordable Housing Overlay Zone and an Affordable Housing Mandatory Set-Aside ordinance for inclusionary development in the Borough.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Westwood, County of Bergen, State of New Jersey, that Chapter 195, “Land Use and Development” of the Borough Code of the Borough of Westwood is hereby amended or supplemented as follows:

Section 1. Amend Chapter 195, Article XIV, of the Code of the Borough of Westwood entitled “Zone Districts and Permitted Uses” is hereby amended in subsection 195-121.1 D.(a) entitled “Affordable Housing” as follows (deleted sections are noted by strikethroughs, new sections are **bold**):

- (a) All multifamily residential developments constructed in the RW-RM Retail / Wholesale – Residential Multifamily Affordable Housing Overlay Zone shall be required to set aside a minimum percentage of units for affordable housing **in accordance with the following requirements:**

- [1] Where units will be for sale, the minimum set aside shall be twenty percent (20%). Where units will be for rent, the minimum set aside shall be fifteen percent (15%). When calculating the required number of affordable units,

any computation resulting in a fraction of a unit shall be rounded upwards to the next whole number.

- [2] **The first affordable rental unit to be created, shall be a qualified affordable family unit as defined in N.J.A.C. 5:97-1.4 as amended or supplemented. This requirement shall be satisfied if an affordable rental unit is first created in the LB-RM District pursuant to in §195-122.1, or by the mandatory set-aside ordinance as established in §195-186.**

Section 2. Amend Chapter 195, Article XIV, of the Code of the Borough of Westwood entitled “Zone Districts and Permitted Uses” is hereby amended in subsection 195-122.1 D.(a) entitled “Affordable Housing” as follows (deleted sections are noted by strikethroughs, new sections are **bold**):

- (a) All multifamily residential developments constructed in the LB-RM Limited Business – Residential Multifamily Affordable Housing Overlay Zone shall be required to set aside a minimum percentage of units for affordable housing **in accordance with the following requirements:**

[1] Where units will be for sale, the minimum set aside shall be twenty percent (20%). Where units will be for rent, the minimum set aside shall be fifteen percent (15%). When calculating the required number of affordable units, any computation resulting in a fraction of a unit shall be rounded upwards to the next whole number.

- [2] **The first affordable rental unit to be created, shall be a qualified affordable family unit as defined in N.J.A.C. 5:97-1.4 as amended or supplemented. This requirement shall be satisfied if an affordable rental unit is first created in the RW-RM District pursuant to in §195-121.1, or by the mandatory set-aside ordinance as established in §195-186.**

Section 3. Amend Chapter 195, Article XXIV, of the Code of the Borough of Westwood entitled “Affordable Housing Mandatory Set-Aside” is hereby amended in subsection 195-186 B.(2) entitled “Mandatory Set-Aside Requirement.” as follows (deleted sections are noted by strikethroughs, new sections are **bold**):

- (2) For inclusionary projects in which the low and moderate units are to be offered for sale, the minimum set-aside percentage shall be twenty percent (20%); for projects in which the low and moderate income units are to be offered for rent, the minimum set-aside percentage shall be fifteen percent (15%). Where the set-aside percentage results in a fractional unit, the total set-aside requirement shall be rounded upwards to the next whole number. **The first affordable rental unit to be created, shall be a qualified affordable family unit as defined in N.J.A.C. 5:97-1.4 as amended or supplemented. This requirement shall be satisfied if an affordable rental unit is first created**

in the RW-RM or LB-RM District pursuant to in §195-121.1 or §195-122.1.

Section 4. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

Section 5. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Westwood, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Revised General Ordinances of the Borough of Westwood are hereby ratified and confirmed, except where inconsistent with the terms hereof.

Section 6. The Borough Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this ordinance to the Bergen County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15, and N.J.S.A. 40:55D-63 (if required).

Section 7. After introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Borough of Westwood for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Borough Mayor and Council, within 35 days after referral, a report including identification of any provisions in the proposed ordinance which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

Section 8. This Ordinance shall be presented to the Mayor for his approval and signature, which approval shall be granted or denied within ten (10) days of receipt of same, pursuant to N.J.S.A. 40:69A-149.7. If the Mayor fails to return this Ordinance with either his approval or objection to same within ten (10) days after it has been presented to him, then this Ordinance shall be deemed approved.

Section 9. This Ordinance shall take effect immediately upon (1) adoption; (2) approval by the Mayor pursuant to N.J.S.A. 40:69A-149.7; (3) publication in accordance with the laws of the State of New Jersey; and (4) filing of the final form of adopted ordinance by the Clerk with (a) the Bergen County Planning Board pursuant to N.J.S.A. 40:55D-16, and (b) the Borough Tax Assessor as required by N.J.S.A. 40:49-2.1.

INTRODUCED the _____ day of _____, 2018.

ADOPTED the _____ day of _____, 2018.

John Birkner Jr., Mayor

ATTEST:

Karen Hughes, RMC, Borough Clerk